UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,011	06/04/2002	Timothy G. Deboer	CA920010048US1	7212

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EXAMINER
KHATRI, ANIL

ART UNIT	PAPER NUMBER
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/064,011	DEBOER ET AL.
	Examiner	Art Unit	
	Anil Khatri	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *6/12/07*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8 and 15-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8 and 15-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

As per applicant's request claims 1, 8, 15, 16 and 20-25 have been amended.

As per applicant's request claims 9-14 have been canceled.

Claims 1-8 and 15-25 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 and 15-25   rejected under 35 U.S.C. 102(e) as being anticipated by *Arnaiz et*

al USPN 7,080,371.

Regarding claims 1, 8, 15, 16 and 20

Arnaiz et al teaches

Transferring to each of plurality of servers a single package, package comprising application

and server configuration data, server configuration data comprising data to configure each of

servers for running application (column 5, lines 14-22, s shown in FIG. 1, the administrator,

shown as the client (101) defines the upgrade kits. The client (101) writes this upgrade kit

definition to a server database (103) resident in the database server, generating upgrade kit

tables (104) in the server database (103). The step of defining the upgrade at the client (101)

also generates upgrade kit files (102. The client copies these upgrade kit files (102) to the file

server (105), for example, for subsequent downloading. When the upgrade kit files (106) are to

be released, upgrade kit archive files are created);

configuring each of servers with server configuration data (column 13, lines 20-25, tep 1: Make

the configuration changes on the server database The upgrader, e.g., the database administrator,

uses programs to customize end-user installations for their site, and merge the customer's

repository with a new repository) ; and

executing servers and application, wherein the server configuration data transferred to the

plurality of servers is the same for each server (column 21, lines 61-67, column 22, lines 1-12,

downloading copies of software upgrade kits built on the server computer for that client

computer to upgrade the not-up-to-date software components; for each of the downloaded

software upgrade kits, invoking the upgrade wizard for that software upgrade kit on that

client computer to upgrade one of the not-up-to-date software components on that client

computer, the upgrade wizard performing the software component upgrade by performing the

actions of the upgrade kit and using the files of the upgrade kit, the upgrade wizard keeping

track of the upgrade's progress and, if an error is detected during the upgrade, automatically

rolling back the changes and restoring the client computer to a pre-upgrade state; and after the

upgrading of the not-up-to-date software components, restarting execution of the program so as

to use the upgraded software components).

Regarding claims 2 and 21

Arnaiz et al teaches

selecting one of one or more server configuration files; selected one adapted to configure

servers (column 6, lines 31-36 If any software component is not within the range of required

versions, the server checks the versions of all software components and searches for one

or more upgrade kits upgrade the out-of-date software components to the required versions.

The server then informs the user of the required upgrades and prompts the user to perform the

upgrade); and

configuring servers with selected one of one or more server configuration files (figure 2, Also,

shown in FIG. 2 is upgrading of mobile users. In the case of mobile users an application server

routes new required versions to mobile and regional users. After a docking session, the docking

client compares the required versions to locally installed versions of the software. If an upgrade

is required, the docking client retrieves the upgrade kit archive file from the file server and

invokes the upgrade wizard to apply the upgrade the local machine).

Regarding claims 3, 19 and 22

Arnaiz et al teaches

a step of providing some of one or more server configuration files with versions of one server

configuration file (column 9, lines 26-36, Alternatively, the upgrader, e.g., the database

administrator, can utilize an Upgrade Kit screen. The upgrader, e.g., the database administrator,

uses the Upgrade Kit screen update the required versions of a software component. The

upgrader, e.g., the database administrator, selects an upgrade kit, and, initiates a function to set

the required versions for example, in the case of Siebel Remote, the upgrader presses the "Set

Required Versions" button. The button finds all the software components that the upgrade

affects and sets their maximum versions. The maximum versions are set to the versions that the

upgrade kit installs).

Regarding claims 4, 5, 17, 18, 23 and 24

Arnaiz et al teaches

a step of providing each of versions of one server configuration file with data associating each

of versions with a version of application (column 11,lines 18-25, At the beginning of each

synchronization session, the docking client checks whether a database extract or a database

schema upgrade is pending. This is because the docking client must perform a schema version

check at the start of the docking session because the docking client must know whether it

can upload transactions to the server database or must discard the transactions. The docking

client also must know whether it must perform a dbinit to re-initialize the local database).

Regarding claims 6 and 25

Arnaiz et al teaches

a step of providing at least one of one or more server configuration files with a first server

configuration file adapted to configure a first server and further comprising a step of providing

another of one or more server configuration files with a second server configuration file adapted

to configure a second server (figures 1-3, column 5, lines illustrates one set of test and

distribution procedures for customers. As shown in FIG. 3, upgrade CD's or diskettes (307) are

created in a master repository (305) and shipped to a test database server (303) for distribution

to test users, including server test users (313), connected test users (311), and mobile test users

(315). The test users (311, 313, and 315) upgrade their test environments, and the upgraded

version of the software for testing. The customers (311, 313, 315) test the software. If the test

is satisfactory, the newly upgraded version of the software is distributed to production users

(4121, 413, 415).

Regarding claim 7

Arnaiz et al teaches

a step of providing at least one of one or more server configuration files with a first server

configuration file adapted to configure a first server for execution on a first computer system

platform and further comprising a step of providing another of one or more server configuration

files with a second server configuration file adapted to configure first server for execution on a

second computer system platform (column 4,lines 40-55, FIG. 2 illustrates initiation and

distribution of upgrades. In the process shown in FIG. 2 the administrator updates the required

versions for a software item. This causes the database server, when started up, this causes

the client to compare the required versions of the software with the locally installed versions for

each software item. If an upgrade is required the client retrieves the upgrade kit archive file

from the file server and invokes the upgrade wizard to apply the upgrade locally. Also, shown

in FIG. 2 is upgrading of mobile users. In the case of mobile users an application server

routes new required versions to mobile and regional users. After a docking session, the docking

client compares the required versions to locally installed versions of the software. If an upgrade

is required, the docking client retrieves the upgrade kit archive file from the file server and

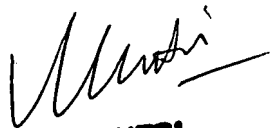invokes the upgrade wizard to apply the upgrade the local machine).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The

examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANIL KHATRI
PRIMARY EXAMINER